

REMARKS

Claims 1-18 remain pending in the application. New claims 19-24 have been added including independent claim 21.

Claims 1-18 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claim 1 has been amended to overcome the examiner's rejection. Applicant respectfully asserts that all 35 U.S.C. 112 rejections have now been overcome.

Claims 1-4, 11, 13, 17, and 18 stand rejected under 35 U.S.C. 102(b) as being anticipated by Shimada (US 3942599). Claims 5-10, 12, and 14-16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Shimada alone. Claim 1 recites the feature of a plate holder with at least two band-like, elastic plates which are superimposed to form a stack and are able to move relative to each other on at least a part of their length.

The examiner argues that Shimada discloses stacked plates 11, 11a; however, element 11a does not comprises a stacked plate as defined in claim 1, see Figure 3. Thus, claims 1-18 are allowable over the recited reference because Shimada does not disclose all of the claimed features.

For similar reasons new claims 19-24 are also allowable. Further, claims 19 and 22 recite that the plates have corresponding cross-sections as seen in a longitudinal section. Shimada clearly does not disclose such a configuration, see Figures 3 and 5-7.

Claim 20 recites the structure of a bracket having a first end connected to at least one of the combustion engine and gearbox and a second end connected to the supporting element, and further recites that each plate of the supporting element has one plate end connected to the second end of the bracket and an opposite plate end connected to the exhaust system. Shimada does not disclose such a bracket, see Figure 1. For similar reasons claims 21-24 are also allowable.

Applicant respectfully asserts that all claims are in condition for allowance and requests an indication of such. Fees in the amount of \$208.00 for four dependent claims over 20 may be charged to Deposit Account No. 50-1482 in then amen of Carlson, Gaskey & Olds. Applicant

believes that no additional fees are necessary, however, the Commissioner is authorized to charge the same Deposit Account for any additional fees or credit the account for any overpayment.

Respectfully submitted,

/Kerrie A. Laba/

Kerrie A. Laba, Reg. No. 42,777
Carlson, Gaskey & Olds
400 W. Maple Road, Ste. 350
Birmingham, MI 48009
(248) 988-8360

Dated: May 19, 2009